



NEWS RELEASE
*Office of the
United States Attorney
for the
District of Nebraska*
Deborah R. Gilg

1620 Dodge Street Suite 1400 Omaha NE 68102-1506 (402) 661-3700

November 17, 2010

United States Attorney Deborah R. Gilg announced the federal Grand Jury for the District of Nebraska has returned 23 indictments charging 25 defendants. Indictments are charging documents that contain one or more individual counts that are merely accusations, and every defendant is presumed innocent unless and until proven guilty. If you need additional information on any of the following indictments, please telephone Deborah R. Gilg, or in her absence, Criminal Chief, Jan Sharp, at (402) 661-3700.

- * **Colleen Karen Aragon, a/k/a Colleen Bivens**, age 50, of Lincoln, was charged with conspiring with others to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, between on or about January 1, 2006, and on or about July 10, 2010. The maximum possible penalty for this count includes imprisonment of not less than 10 years and up to life, a fine of \$4 million, a 5 year term of supervised release, and a special assessment of \$100.
- * **Filiberto Arizmendi-Martinez**, age 32, is charged with illegal reentry into the United States on or about October 20, 2010, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment

of 20 years, a fine of \$250,000, 3 years of supervised release, and a \$100 special assessment.

- * **Michael Louis Avidano**, age 26, of Elmwood, Nebraska, is charged in an indictment with failure to register as a sex offender in Nebraska. The maximum penalty for this count includes imprisonment of 10 years, a \$250,000 fine, not less than 5 years or more than life of supervised release, and a \$100 special assessment.
- * **Samuel Carrillo-Guerrero**, age 26, of Hastings, Nebraska, is charged with illegal reentry into the United States on or before October 24, 2010, after deportation or removal. The maximum possible penalty if convicted includes imprisonment of 2 years, a \$250,000 fine, 1 year of supervised release, and a \$100 special assessment.
- * **Diego De Diego-Andres**, age 23, is charged in a two-count indictment. Count I of the Indictment alleges that on or about September 19, 2007, De Diego-Andres misused a social security card and a Nebraska driver's license as evidence of lawful employment in the United States. The maximum possible penalty for this count includes imprisonment of 5 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Count II of the Indictment charges De Diego-Andres with misuse of a Social Security Number. The maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100.
- * **Joshua Z. Dortch**, age 20, of Omaha, is charged in a one-count indictment with being a felon in possession of a firearm on or about October 25, 2010. Dortch was convicted in 2007 of two counts of attempted first degree assault and in 2010 with being a felon in

possession of a firearm. The maximum possible penalty includes imprisonment of 10 years, a fine of \$250,000, three years of supervised release, and a \$100 special assessment.

- * **Sabino Garcia-Torrez**, age 35, of Omaha, is charged with illegal reentry into the United States on or about October 18, 2010, following deportation as a felon. The maximum possible penalty is imprisonment of 10 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- * **Filipe Gardea-Hernandez**, age 53, of Norfolk, Nebraska, is charged with illegal reentry into the United States on or about September 26, 2010, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of 20 years, a fine of \$250,000, followed by 3 years of supervised release and a \$100 special assessment.
- * **Gelver Ixcot-Lopez**, age 30, is charged in a three-count Indictment. Count I charges that on or about May 3, 2010, Ixcot-Lopez misused a social security card and a Kansas Identification Card as a requirement of the employment verification system in the United States. The maximum possible penalty for this count includes imprisonment of 5 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Count II alleges Ixcot-Lopez falsely claimed United States Citizenship on or about May 3, 2010. If convicted the maximum possible penalty for each count includes 3 years imprisonment, \$250,000 fine, 1 year of supervised release, and a \$100 special assessment. Count III of the Indictment charges Ixcot-Lopez with misuse of a Social Security Number. The

maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100.

* **Shawn M. Jenkins**, age 23, of Omaha, is charged in a one-count indictment with being a felon in possession of a firearm on or about October 23, 2010. Jenkins was convicted in 2008 of robbery. The maximum possible penalty includes imprisonment of 10 years, a fine of \$250,000, three years of supervised release, and a \$100 special assessment.

* **Antonio Jimenez**, age 30, of Omaha, is charged in a ten-count indictment. Counts I through X charge Jimenez with making a false claim against the United States. Specifically, the indictment alleges Jimenez fraudulently claimed First Time Home Buyer's Credits on returns he filed in the names of others. In Count I on March 3, 2009, the amount of the claim was approximately \$14,357; in Count II on March 5, 2009, the amount of the claim was approximately \$14,175; in Count III on January 20, 2009, the amount of the claim was approximately \$11,727; in Count IV on March 10, 2009, the amount of the claim was approximately \$13,614; in Count V on February 19, 2009, the amount of the claim was approximately \$9,418; in Count VI on February 25, 2009, the amount of the claim was approximately \$13,217; in Count VII on April 15, 2009, the amount of the claim was approximately \$13,380; in Count VIII on April 9, 2009, the amount of the claim was approximately \$10,983; in Count IX on February 26, 2009, the amount of the claim was approximately \$10,582; and in Count X on February 26, 2009, the amount of the claim was approximately \$12,325. The maximum possible penalty for each count includes imprisonment of 5 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

- * **Luis A. Molina**, also known as Luis Antonio Molina-Rivas, also known as Luis Rivas, also known as Miguel Francisco Molina, age 34, of Grand Island, was charged in a two count indictment. Count I alleges that on or about September 21, 2010, the defendant possessed with intent to distribute 5 grams or more of actual methamphetamine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment. Count II alleges that on or about September 21, 2010, the defendant unlawfully reentered the United States after having been previously convicted of an aggravated felony and deported. The maximum possible penalty includes imprisonment of not more than 20 years, a fine of \$250,000, a 5 year term of supervised release, and a \$100 special assessment.
- * **Galen J. Niehues**, age 41, of Cozad, Nebraska, is charged in a two-count indictment. Count I charges Niehues, an employee of the Nebraska Department of Agriculture, with providing false information to the United States Department of Health and Human Services on or about September 10, 2009. It is alleged that Niehues' job duties required him to contact cattle producers, perform inspections of cattle operations, and collect samples of cattle feed for the purpose of detecting potential contaminants such as Bovine Spongiform Encephalopathy (BSE), also known as "mad cow disease." The indictment further alleges he provided false BSE reports to the Food and Drug Administration stating that he had made contact with and interviewed cattle owners, inspected the cattle owners' premises, and collected samples of cattle feed, when in fact, Niehues knew he had not made contact, nor interviewed the owners or anyone associated with the cattle operation,

nor had he obtained samples of feed from the cattle operation as he represented in his report. The maximum penalty for this count includes 5 years imprisonment, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Count II of the indictment alleges that between July 1, 2009, and March 31, 2010, Niehues used the United States Postal Service to deliver the false reports. The maximum penalty for this count includes 20 years of imprisonment, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

- * **Miguel Orozco-Becerra**, age 36, of Omaha, is charged with illegal reentry into the United States on or about August 22, 2010, following deportation as a felon. The maximum possible penalty is imprisonment of 10 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- * **Julio Cesar Ortega-Garcia**, age 25, of Grand Island, Nebraska, is charged with illegal reentry into the United States on or before October 10, 2010, after deportation or removal. The maximum possible penalty if convicted includes imprisonment of 2 years, a \$250,000 fine, 1 year of supervised release, and a \$100 special assessment.
- * **Martin Ortega-Munoz**, age 47, of Omaha, is charged with illegal reentry into the United States on or about October 13, 2010, following deportation as a felon. The maximum possible penalty is imprisonment of 10 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- * **Salvador Penaloza-Calixto**, also known as Jorge Campos, also known as Juan Delagarza Gregorio, age 38, was charged in a five count indictment. Count I alleges that beginning from an unknown date, but at least as early as on or about September 1, 2008, and

continuing through on or about September 8, 2010, the defendant conspired with others to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of not less than 10 years and up to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment. Count II alleges that on or about September 8, 2010, the defendant possessed with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of at least 5 but not more than 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment. Count III alleges that on or about September 2, 2010, the defendant distributed a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of not more than 20 years, a \$1 million fine, a 5 year term of supervised release and a \$100 special assessment. Count IV alleges that on or about September 8, 2010, the defendant distributed a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of not more than 20 years, a \$1 million fine, a 5 year term of supervised release and a \$100 special assessment. Count V alleges that on or about September 8, 2010, the defendant, after having illegally and unlawfully entered the United States, was in possession of firearms, to wit: a 40 caliber Walther PPS pistol, a Colt Govt. Model MK IV 38 caliber, a CZ 380 pistol, and an E.A. Co. Model J15 223 caliber rifle. The maximum possible penalty includes imprisonment of not more than 10 years, a fine of \$250,000, a 3 year term of supervised release, and a special assessment of \$100. The indictment also alleges any and

all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the violations alleged in Counts I through V of the indictment, to include \$7,800.00 in United States currency seized on September 8, 2010, should be forfeited to the United States.

- * **Alfredo Pina** is charged in a three-count Indictment. Count I charges that on or about October 6, 2006, Pina used an Employment Authorization Card, knowing it to have been procured by means of a false claim and statement and to have been otherwise procured by fraud and unlawfully obtained. The maximum possible penalty for this count includes imprisonment of 10 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Count II alleges Pina falsely claimed United States Citizenship on or about July 5, 2007. If convicted the maximum possible penalty for this count includes 3 years imprisonment, \$250,000 fine, 1 year of supervised release, and a \$100 special assessment. Count III of the Indictment charges Pina with using a social security account number based on false information Pina furnished to the Commissioner of Security. The maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100.
- * **Salomon Ramos-Morales**, age 32, of Omaha, is charged with misuse of a Social Security Number. The maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, three years of supervised release, and a special assessment of \$100.
- * **Miguel Angel Reyes**, age 28, is charged with illegal reentry into the United States on or about October 3, 2010, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of 20 years,

a fine of \$250,000, followed by 3 years of supervised release, and a \$100 special assessment.

- * **Florence Sherman**, age 51, of Omaha, is charged in a four-count indictment. Count I charges that on or about May 10, 2006, Sherman provided false statements to the Department of Housing and Urban Development. It is alleged Sherman completed a false Douglas County Housing Authority Re-certification for Occupancy form which reported that a daughter lived with her and that she failed to report property ownership. Count II alleges that on or about April 20, 2006, Sherman completed a false United States Department of Housing and Urban Development Request for Tenancy Approval Form by stating that as property owner, she was not the parent of any member of the prospective tenant's family when, in fact, the prospective tenant was Sherman's adult daughter. The maximum possible penalty for Counts I and II include imprisonment of 5 years, a fine of \$250,000, followed by 3 years of supervised release, and a \$100 special assessment. Count III of the indictment charges Sherman with aggravated identity theft on or about May 10, 2006. The penalty for this Count includes a mandatory minimum sentence of imprisonment for 2 years consecutive to any other term of imprisonment imposed on the first count of the indictment, a \$250,000 fine, 1 year of supervised release and a \$100 special assessment. Count IV of the indictment alleges that from on or about June 12, 2003, through on or about May 10, 2006, Sherman and her adult daughter conspired to complete and use false documents to defraud the United States Department of Housing and Urban Development. The maximum possible penalty for this Count includes

imprisonment of 5 years, a fine of \$250,000, followed by 3 years of supervised release, and a \$100 special assessment.

- * **Khadija Thompson**, age 30, of Oakland, California; **Arena Adanandus**, age 22, of Richmond, California; and **Lanesha Paxton**, age 18, of Stockton, California, are all charged in a seven-count indictment. In Counts I through VII, Thompson, Adanandus, and Paxton are charged with possessing and passing counterfeit Visa Travelers Checks in the Kearney, Nebraska area, with the intent to deceive other people on or about August 29, 2010. The maximum possible penalty for each count includes imprisonment of 10 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.
- * **Julian Varela-Corona**, age 35, of Fremont, is charged with possession of a firearm by an alien, illegally and unlawfully in the United States, to wit: a Taurus Model PT101, 40 caliber pistol, on or about September 27, 2010. The maximum possible penalty for this count includes imprisonment of not more than 10 years, a fine of \$250,000, a 3 year term of supervised release, and a special assessment of \$100.